



RS  
**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/288,577	08/10/94	JOHNSON	J FS2

LM21/0601  
[ GENE A. TABACHNICK, ESQ.  
REED SMITH SHAW & MCCLAY  
435 SIXTH AVENUE  
PITTSBURGH PA 15219 ]

EXAMINER
COSIMANO, E

ART UNIT	PAPER NUMBER
2761	11

DATE MAILED: 06/01/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**08/288,577**

Applicant(s)  
**Johnson et al**

Examiner  
**Edward R. Cosimano**

Group Art Unit  
**2761**



☒ Responsive to communication(s) filed on Apr 9, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 79-129 is/are pending in the application.

Of the above, claim(s) none is/are withdrawn from consideration.

☒ Claim(s) 101-107 & 129 is/are allowed.

☒ Claim(s) 79,80,82-86,88-97, 99, 100, 108, 109, 111-115, 117-120, 122-125, <sup>127 & 128</sup> ~~126~~ are rejected.

☒ Claim(s) 81, 87, 98, 110, 116, 121 & 126 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Aug 10, 1994 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit 2761

1. Applicant should note the changes to patent practice and procedure effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997.

2. The use of various trademark(s) at page(s) 2, 7, 9, 10, 11, 33-35 & 37 has been noted in this application. Any trademarks should be capitalized wherever they appear and be accompanied by the generic terminology.

2.1 Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

3. The drawings are objected to because:

A) the following errors have been noted in the drawings:

(1) the drawings lack programs 44 as disclosed at:

(a) page 7, lines 24, 25 & 31;

(b) page 8, lines 9 & 12; and

(c) page 13, line 24;

and as required by 37 CFR § 1.84(p(5)).

(2) the drawings lack reference number 81 as disclosed at page 33, line 5,

and as required by 37 CFR § 1.84(p(5)).

Correction is required.

3.1 Applicant is required to submit a proposed drawing correction in response to this Office action (37 CFR § 1.123). However, correction of the noted defect can be deferred until the application is allowed by the examiner.

4. The disclosure is objected to because of the following informalities:

A) applicant must update:

(1) the application data on page 12,

with the current status of each of the referenced applications, e.g., --now abandoned--, or --now patent #?--, or --which is abandoned and now serial number #?--, etc.

B) the following errors have been noted in the specification:

(1) appendices I through X (1-10) lack the margins required by 37 CFR § 1.52(b). (Note pages 13-16, 18, 19, 21-25 & 28-34 which mention the

Art Unit 2761

appendices).

Appropriate correction is required.

5. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, & § 1.84(o,p(5)).

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.1 Claims 79, 80, 82-86, 88-97, 99, 100, 108, 109, 111-115, 117-120, 11-125, 127 & 128 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Dworkin (4,992,940).

6.1.1 In regard to claims 79, 80, 82-86, 88-97, 99, 100, 108, 109, 111-115, 117-120, 11-125, 127 & 128, Dworkin ('940) discloses a centralize ordering system which search through a database which contains a number of different vendor catalogs. The results of the search are returned to the user, which may purchase the selected items.

7. Art of interest, which does not teach or suggest;

A) converting items found in one vendor's catalog to another vendor, (claims 81, 87, 98, 110, 116, 121 & 126), or

B) searching only sections of the database (claims 101-107 & 129),

is cited by the examiner.

8. Response to applicant's arguments.

8.1 All rejections and objections of the previous Office action not repeated or modified and repeated here in have been over come by applicant's last response.

9. Claims 81, 87, 98, 110, 116, 121 & 126 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The shorten statutory period of response is set to expire 3 (three) months from the mailing date of this Office action.

Art Unit 2761

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gail Hayes, can be reached on (703)-305-9711. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

11.1 The fax phone number for **UNOFFICIAL FAXES** for this group is (703) 308-5357.

11.2 The fax phone number for **OFFICIAL FAXES** for this group is either (703) 308-9051 or (703) 308-9052.

05/26/98



**Edward R. Cosimano**  
**Primary Examiner A.U. 2761**